

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WENDELL W. ANTHONY, JUNDAR HUANG, TRUC NGUYEN,  
ASHWIN DOSHI, LESLIE MOSS, MICHAEL WILLIAMS,  
DAVID THOMPSON, HOCK LAW, DONALD EICHENSEER,  
STEPHEN EDWARD SAUSSY, KHANH DO, and BINH LUONG

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Application 09/077,456  
Technology Center 3600

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 19, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Appeal Brief which was received by the USPTO on August 30, 2006. The content furnished under the heading "**Summary Of The Claimed Subject Matter**" is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because there is no descriptive support for the subject matter defined in each of the independent and dependent claims on appeal.

The USPTO received an Information Disclosure Statement (IDS) submitted by Appellants on June 29, 1998. The Examiner acknowledged the entries

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contained on the accompanying PTO-1449 form, but failed to fill in the date in which he considered the entries.

Correction is required with respect to the above-noted matters.

Accordingly, it is

*ORDERED* that the application is returned to the Examiner:

- (1) to instruct Appellant to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(v);
- (2) to have said Supplemental Appeal Brief scanned into the IFW Official record;
- (3) to provide the date that the references contained on the PTO-1449 form were considered; and
- (4) for such further action as may be appropriate.

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By: Patrick J. Nolan  
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN/hh